IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 890 of 2007()

C.R.NO.14/2003 OF VAMANAPURAM EXCISE RANGE

PETITIONER/ACCUSED NO.1&2

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1. SOMAN, S/O.PADMANABHAN, AANDOTH HOUSE, EDASSERI DESOM, VADANAPPALLY VILLAGE, CHAVAKKAD TALUK, THRISSUR.

2. PUSHPARAJAN, S/O.LOPPAS, KUPPASIKUDIPURA HOUSE, VIZHINJAM VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE, VAMANAPURAM, THIRUVANANTHAPURAM DISTRICT, BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.890 of 2007

Dated this the 23rd day of March 2007

O R D E R

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Criminal Miscellaneous Case is, in these circumstances, allowed. All proceedings in pursuance of CR.No.14/2003 of Vamanapuram Excise Range against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

jsr